

NAME FRANCIS DIBLASI

PRISON NUMBER V-94265

CURRENT ADDRESS OR PLACE OF CONFINEMENT C.T.F. SOUTH, P.O. BOX 690 D6S./34L

CITY, STATE, ZIP CODE SOLEDAD, CALIF. 93960-0690

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

JAN - 7 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

2254 ☒ 1983

FILING FEE PAID

Yes ☐ No ☒

HFP MOTION FILED

Yes ☒ No ☐

COPIES SENT TO

Court ☒ ProSe ☐

(FULL NAME OF PETITIONER)

FRANCIS DIBLASI

PETITIONER

v.

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS])

WARDEN BEN CURRY

RESPONDENT

and

JERRY BROWN

The Attorney General of the State of
California, Additional Respondent

Civil No.

'08 CV 0041 IEG BLM

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack:
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
INDIO CALIF. 92201
2. Date of judgment of conviction:
JUNE 24, 2005
3. Trial court case number of the judgment of conviction being challenged:
NO. INFO50046
4. Length of sentence:
10 YEARS TO BE SERVED AT 85%

5. Sentence start date and projected release date:
FEBRUARY 8, 2005 AUGUST 13, 2013

6. Offense(s) for which you were convicted or pleaded guilty (all counts):
211 P.C. AND 459 P.C.

7. What was your plea? (CHECK ONE)

(a) Not guilty ☒

(b) Guilty ☐

(c) Nolo contendere ☐

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)

(a) Jury ☒

(b) Judge only ☐

9. Did you testify at the trial?

☐ Yes ☒ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?

☒ Yes ☐ No

11. If you appealed in the California Court of Appeal, answer the following:

(a) Result: DENIED

(b) Date of result, case number and citation, if known:

FILED JUNE 26, 2007 EO38733

(c) Grounds raised on direct appeal:

INSUFFICIENT EVIDENCE TO SUSTAIN PRIOR CONVICTION
AND IMPOSITION OF UPPER TERM WAS IMPROPER UNDER CUNNINGHAM

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:

(a) Result: DENIED

(b) Date of result, case number and citation, if known: SEPT. 12, 2007, S155145

(c) Grounds raised: INSUFICEINT EVIDENCE TO SUSTAIN PRIOR CONVICTION
AND IMPOSITION OF UPPER TERM WAS IMPROPER UNDER CUNNINGHAM

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

(a) Result:

(b) Date of result, case number and citation, if known:

(c) Grounds raised:

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☐ Yes ☒ No

15. If your answer to #14 was "Yes," give the following information:

(a) California Superior Court Case Number:

(b) Nature of proceeding:

(c) Grounds raised:

(d) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

(e) Result: _____

(f) Date of result: _____

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☐ Yes ☒ No

17. If your answer to #16 was "Yes," give the following information:

- (a) California Court of Appeal Case Number: _____
- (b) Nature of proceeding: _____

- (c) Grounds raised: _____

- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (e) Result: _____
- (f) Date of result: _____

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Supreme Court?

☐ Yes ☒ No

19. If your answer to #18 was "Yes," give the following information:

- (a) California Supreme Court Case Number: _____
- (b) Nature of proceeding: _____

- (c) Grounds raised: _____

- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (e) Result: _____
- (f) Date of result: _____

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court containing the grounds raised in this federal Petition, explain briefly why you did not:

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?

☒ Yes ☐ No (If "YES" SKIP TO #22)

- (a) If no, in what federal court was the prior action filed?

(i) What was the prior case number? _____

(ii) Was the prior action (CHECK ONE):

☐ Denied on the merits?

☐ Dismissed for procedural reasons?

(iii) Date of decision: _____

- (b) Were any of the issues in this current petition also raised in the prior federal petition?

☐ Yes ☐ No

- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?

☐ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE**

INSUFFICIENCY OF EVIDENCE AT TRIAL IN RESPECT TO ENHANCEMENT

Supporting FACTS (state *briefly* without citing cases or law)

SPECIFICALLY, THE COURT MADE A FINDING BASED ON A COPY OF A MICROFICHE COPY OF A DOCUMENT WHICH CONTAINED THE NAME OF THE DEFENDANT AND NOTHING MORE. NO PHOTOGRAPH FINGERPRINTS, OR EVEN A DATE OF BIRTH, A SIGNATURE OR OTHER IDENTIFYING INFORMATION WAS INTRODUCED. THE PEOPLE WERE REQUIRED TO PROVE IDENTITY BEYOND A REASONABLE DOUBT. THIS MUST BE PROVED BY SUBSTANTIAL EVIDENCE IN ORDER TO MEET THE BURDEN OF PROOF, YET THERE WAS NOTHING BUT A NAME ON A DOCUMENT.

THAT THERE CAN BE MORE THAN ONE PERSON IN THE STATE OF CALIFORNIA WITH THE SAME NAME COULD NOT HAVE BEEN MADE CLEARER BY THE FACT THAT THE DOCUMENT REFLECTED THE COURT CLERK IN THE 1977 ENHANCEMENT CASE HAD THE SAME NAME AS DEFENSE COUNSEL FOR MR. DIBLASI IN THE INSTANT CASE. WOULD THAT FACT HAVE CONSTITUTED SUBSTANTIAL EVIDENCE TO CONVINCE THE COURT BEYOND A REASONABLE DOUBT THAT DEFENSE COUNCIL BEVERLY BARRETT WAS THE SAME PERSON WHO WAS THE COURT CLERK ATTENDING THE HEARING IN 1977 FOR FRANK DIBLASI AKA FRANCIS DIBLASI. SIMILARLY, THE NAME OF FRANCIS DIBLASI IS NOT PARTICULARLY UNIQUE; IT BRINGS UP SOME 4,190 HITS ON THE GOOGLE SEARCH ENGINE ALONE.

THE COURT SHOULD HAVE SOME LINGERING DOUBTS AS TO THE SUFFICIENCY OF EVIDENCE UPON WHICH THE COURT'S FINDING WAS BASED, PARTICULARLY IN LIGHT OF THE PROVEN COINCIDENCE OF THE NAME OF THE COURT CLERK IN THE 1977 CASE AND DEFENSE COUNSEL IN THIS CASE. THE EVIDENCE SUBMITTED DURING THE TRIAL TO THE COURT ON THE ISSUE OF IDENTITY WAS INSUFFICIENT TO MAKE THE FINDING BEYOND A REASONABLE DOUBT.

Did you raise GROUND ONE in the California Supreme Court?

☒ Yes ☐ No.

(b) **GROUND TWO:**

COURT DIRECTED AND PREJUDICED VERDICT
Supporting FACTS (state *briefly* without citing cases or law):

THE PROSECUTION HAD THE BURDEN TO PROVE TO THE JURY THAT MR. DIBLASI SUFFERED A PRIOR CONVICTION FOR THE ENHANCEMENT ALLEGED. THE COURT INSTRUCTED THE JURORS, AS A MATTER OF LAW, THAT THE PERSON NAMED IN THE 1977 CASE WAS THE DEFENDANT IN THE INSTANT CASE. THE EVIDENCE SUBMITTED BY THE PROSECUTION FAILED TO CONVINCE THE JURY BEYOND A REASONABLE DOUBT THAT HE SUFFERED A CONVICTION, DESPITE THE FACT THAT IT WAS THEIR BURDEN TO DO SO. THE JURY'S INQUIRY DEMONSTRATED THE FAILURE OF THE PROSECUTION TO MEET ITS BURDEN OF PROOF. THE JURY WAS THEN "CHARGED" BY THE COURT THAT THE EVIDENCE CONSTITUTED A CONVICTION. THE RESULT OF THIS CHARGE WAS TANTAMOUNT TO A DIRECTED VERDICT BY THE COURT. COURTS HAVE BEEN CAUTIONED TO BE CAREFUL TO AVOID DIRECTING A VERDICT AND THUS DEPRIVING A DEFENDANT OF HIS RIGHT TO A JURY TRIAL. THE DIRECTED VERDICT IN THE INSTANT CASE NOT ONLY CAUSED THE DEFENDANT TO BE PREJUDICED IT ALSO DENIED DEFENDANT HIS CONSTITUTIONAL RIGHT TO A JURY TRIAL.

Did you raise GROUND TWO in the California Supreme Court?

Yes ☒ No.

(c) **GROUND THREE:**

THE APPELATE COURT DENIED INTRODUCTION OF EXCUPATORY EVIDENCE BY DENYING DEFENDANTS REQUEST FOR JUDICIAL NOTICE FILED 3/27/06

Supporting FACTS (state *briefly* without citing cases or law):

IN THE INSTANT CASE THE ALLEGED ROBBERY CHARGE IN 1977 THE DOCUMENTS INCLUDE NO PHOTOGRAPH, NO FINGERPRINT, NO DATE OF BIRTH, PLACE OF BIRTH, SIGNATURE OF THE DEFENDANT OR ANY OTHER EVIDENCE SUPPORTING A FINDING THAT THE DEFENDANT IN THE 1977 IS THE SAME PERSON AS THE DEFENDANT IN THE INSTANT CASE. (SEE CLERKS SUPPLEMENTAL TRANSCRIPT ON APPEAL FILED FEBRUARY 6, 2006) APPEAL HELD THAT THE QUESTION OF WHETHER A DEFENDANT CAN BE IDENTIFIED AS HAVING SUFFERED A PRIOR CONVICTION BASED ON NAME ALONE SHOULD BE LEFT TO INFERENCE AND "THE STRENGTH OF THE INFERENCE WILL DEPEND IN PARTICULAR CASES ON WHETHER THE NAME IS COMMON OR UNUSUAL."

CONSIDERING THE LACK OF ANY SUPPORTING EVIDENCE OTHER THAN "WHETHER THE NAME IS COMMON OR UNUSUAL" IT WAS INCUMBENT ON THE APPELATE COURT TO GRANT "APPELLANTS REQUEST FOR JUDICIAL NOTICE". IF THE COURT HAD GRANTED THAT "REQUEST", THEY WOULD HAVE SEEN THAT <http://www.usa-people-search.com> SEARCH FOR THE NAME "FRANK DIBLASI" LOCATES 100 PERSONS WHO ARE NAMED "FRANK DIBLASI" (100 IS THE MAXIMUM NUMBER THAT CAN BE RETURNED ON A SEARCH, AND SO THERE MAY BE MANY MORE), AND 41 PEOPLE VIA A SEARCH FOR THE NAME "FRANCIS DIBLASI". WHEN A SPACE IS INSERTED SO THE NAME READS DI BLASI (AS IT DOES IN THE 1977 COURT DOCUMENTS), THE SITE RETURNS ANOTHER 38 PEOPLE NAMED "FRANK DI BLASI" AND ANOTHER TWO CALLED "FRANCIS DI BLASI".

<http://www.peoplefinder.com> TURNS UP TWELVE PEOPLE IN CALIFORNIA ALONE WHO GO BY THE NAME "FRANK DIBLASI" "FRANCIS DIBLASI" OR F. DIBLASI. AND AS BROUGHT BEFORE THE COURT OVER 4,000 LISTINGS FOR "F.DIBLASI" WORLD WIDE THE COURT WOULD HAVE SEEN FOR ITSELF THAT THE NAME IS CERTAINLY NOT UNCOMMON ENOUGH TO BE USED AS "THE ONLY EVIDENCE" FOR CONVICTION OF A 30 YEAR OLD PRIOR.

Did you raise GROUND THREE in the California Supreme Court?

X Yes ☐ No.

(d) **GROUND FOUR:**

PETITIONER WAS DENIED HIS RIGHT TO A FAIR AND IMPARTIAL ROMERO HEARING AND ALSO ANY CONSIDERATION OTHER THAN THE HARSHEST SENTENCE THAT THE COURT GIVE BECAUSE OF A GROSELY INACURATE AND PREJUDICED PROBATION AND SENTENCING REPORT
Supporting FACTS (State briefly without citing cases or law).

THE PROBATION OFFICERS REMARKS WERE NOT ONLY INACCURATE BUT DESIGNED TO BE INFLAMMATORY. BECAUSE OF MY AGE, AND A THEN UNDIAGNOSED MEDICAL PROBLEM THAT WAS MAKING ME DEPRESSED MY MEMORY UNDEPENDABLE AND MY BEHAVIOR BIZARRE, MY ATTORNEY INSISTED ON BEING PRESENT AT THE PROBATION OFFICERS INTERVIEW, MY ATTORNEY GAVE ME INSTRUCTIONS NOT TO ANSWER ANY QUESTIONS UNTIL SHE TOLD ME TO. SO WHEN THE PROBATION OFFICER PUT IN HIS REPORT THAT I LACKED CANDOR IT WAS REALLY ME ACTING ON THE ADVICE OF MY ATTORNEY. LACK OF CANDOR WITH THE PROBATION OFFICER WAS ONLY ONE OF THE ERRONEOUS AGGRAVATING FACTORS THE JUDGE CITED THE SENTENCING TRANSCRIPT BEARS OUT THE ARGUEMENT THAT THE JUDGE WAS PREJUDICED AND RELIED ON INFORMATION IN A PROBATION REPORT THAT IS MORE FICTION THAN FACT.

IE: THE JUDGE STARTS THE SENTENCING PROCEDURE WITH "AS A MATTER OF FACT, THIS WAS ONE DEFENDANT I VIEW AS THE PERFECT EXAMPLE OF WHY WE HAVE THE THREE STRIKES LAW." AND THEN HE SITES A 1997 ROBBERY THAT DOES NOT EXIST, A 1984 CHARGE FOR SALES OF HEROIN ALSO NON EXISTING, HE GOES ON TO STATE "THE DEFENDANT HAS SERVED THREE PRIOR PRISON TERMS, AT LEAST THREE PRIOR PRISON TERMS" SEEMS THAT HE WAS'NT QUITE SURE. PRIOR PERFORMANCE ON PROBATION AND PAROLE IS UNSATISFACTORY, IN TRUTH, I HAVE NEVER SUFFERED A PAROLE VIOLATION. HE'S ON A ROLL NOW AND STATES "HE IS A BANK ROBBER. HE'S BEEN A BANK ROBBER AND HE WILL CONTINUE TO BE A BANK ROBBER. IT MUST BE REMEMBERED THAT THE ONLY "BANK ROBBERY" THAT HAD BEEN PROVEN WAS THE INSTANT CONVICTION. THE INFORMATION THAT HE WAS WORKING WITH WAS SO BAD, THEY HAD FILLED TWO 667. PRIORS THAT DID NOT EVEN EXIST AND HAD TO BE DISMISSED. THE JUDGE MADE EVERYTHING WORSE THAN IT WAS AND NEVER TOOK MITIGATING CIRCUMSTANCE INTO ACCOUNT

Did you raise GROUND FOUR in the California Supreme Court?

X Yes. No.

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court: _____

(b) Case Number: _____

(c) Date action filed: _____

(d) Nature of proceeding: _____

(e) Grounds raised: _____

(f) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: GAYLORD STEWART, PUBLIC DEFENDERS OFFICE
82-675 HIGHWAY 111, ROOM 314
INDIO, CALIF. 92201

(b) At arraignment and plea: BEVERLY BARRETT PUBLIC DEFENDERS OFFICE
82-675 HIGHWAY 111, ROOM 314
INDIO CALIF. 92201

(c) At trial: BEVERLY BARRETT PUBLIC DEFENDERS OFFICE
82-675 HIGHWAY 111, ROOM 314
INDIO, CALIF. 92201

(d) At sentencing: BEVERLY BARRETT, PUBLIC DEFENDERS OFFICE
82-675 HIGHWAY 111, ROOM 314
INDIO, CALIF. 92201

(e) On appeal: JANICE R. MAZUR

(f) In any post-conviction proceeding: JANICE R. MAZUR SBN144611
13465 CAMINO CANADA, #106-103
EL CAJON, CALIF. 92021

(g) On appeal from any adverse ruling in a post-conviction proceeding:
JANICE R. MAZUR SBN144611
13465 CAMINO CANADA, # 106-103
EL CAJON, CALIF. 92021

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☒ Yes ☐ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☐ No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court:

12/17/07

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12-11-07

(DATE)

James D. Blum

SIGNATURE OF PETITIONER

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Francis Diblasi

Curry, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Monterey
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Francis Diblasi
PO Box 690
Soledad, CA 93960
V-94265

2254	DEPENDANTS
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	

FILED

JAN - 7 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY RW DEPUTY

(d) IN CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

'08 CV 0041 IEG BLM

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|----------------------------|---|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of This State | | Incorporated or Principal Place of Business in This State | |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | | Incorporated and Principal Place of Business in Another State | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | | Foreign Nation | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(p)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 1/7/2008

SIGNATURE OF ATTORNEY OF RECORD

